UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Elizabeth Amelia ALVAREZ,** Defendant(s)	Magistrate Case No. '08 MJ 1919 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **June 19, 2008,** within the Southern District of California, defendant **Elizabeth Amelia ALVAREZ** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Fermin Humberto PEREZ-Reynada, Jesus RUIZ-Merino,** and **Magdalena RUIZ-Merino** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **23rd** DAY OF **JUNE, 2008**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Fermin Humberto PEREZ-Reynada, Jesus RUIZ-Merino,** and **Magdalena RUIZ-Merino** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 19, 2008, Border Patrol Agents assigned to the Campo Station Abatement Team were conducting anti-smuggling duties in the Campo Station area of responsibility. Agents were observing traffic on Buckman Springs Road, between Campo, California and Pine Valley, California. Buckman Springs Road is a major north/south thoroughfare beginning at Highway 94 near the border area and continuing north to Interstate 8. Buckman Springs Road is also a notorious alien and narcotics smuggling corridor, due to its close proximity to the border and quick egress to Interstate 8.

At approximately 3:15 PM, Agent M. Saclarides observed a blue Chevrolet Astrovan pass his location at the intersection of Buckman Springs Road and Old Buckman Springs Road heading north. Agent Saclarides observed that the female driver was turned almost completely around to the right in her seat and appeared to be talking to someone in the rear of the vehicle; however, no passengers were visible. As the vehicle continued north along Buckman Springs Road, Agent Saclarides also observed that it appeared heavily laden, sagging and exhibiting an exaggerated bounce upon driving over the small depressions and rises in the roadway. Agent Saclarides recognized these characteristics as common to smuggling vehicles carrying excessive weight in human cargo or contraband. Agent Saclarides advised Agent P. Padilla that the van was heading toward his location at Buckman Springs Road and Interstate 8. Agent Padilla from his surveillance position subsequently observed the blue Chevrolet, driven by a female subject later identified as the defendant, **Elizabeth Amelia ALVAREZ,** approach the interchange and enter Interstate 8 eastbound. Agent L. Valdivia assumed the primary surveillance position, entering Interstate 8 eastbound following the defendant, while Agent Saclarides trailed behind.

Agent Valdivia observed the defendant exit Interstate 8 at Kitchen Creek Road and advised the other agents that the defendant was headed north. Knowing that Kitchen Creek Road is commonly used by alien smugglers as a drop off point for smuggled aliens circumventing the Border Patrol checkpoints through the Laguna Mountains, Agent Valdivia continued following the defendant north. Agent Valdivia briefly lost sight of the defendant as she rounded a curve near the five mile marker on Kitchen Creek Road. A locked U.S. Forest Service gate blocks through traffic at that point and is the most common drop area for groups of smuggled aliens. As Agent Valdivia came around the curve, he encountered the defendant in the process of making a U-turn in the narrow roadway. Agent Valdivia exited his vehicle and identified himself as a Border Patrol Agent both verbally and by displaying his Agency-issued badge. The defendant stopped and put the van in park. Agent Valdivia approached the vehicle and observed the defendant in the driver seat and a child later identified as her six year old daughter, in the front passenger seat. The defendant stated to Agent Valdivia that she was looking for her sister, who was supposed to be camping nearby. Believing that the defendant had dropped off a group of smuggled aliens, Agent Valdivia detained her and waited for other agents to arrive on scene.

Agent Saclarides arrived on scene minutes later and immediately began looking for footprints or other evidence that the defendant had dropped off a group of smuggled aliens prior to Agent Valdivia catching up to her at the locked gate. Approximately 15 yards from the defendant's vehicle, Agent Saclarides observed fresh footprints for a group of individuals heading south away from Kitchen Creek Road. Agent Saclarides followed the footprints for approximately half a mile, and observed a group of seven suspected smuggled

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CONTINUATION OF COMPLAINT:
Elizabeth Amelia ALVAREZ

aliens walking south ahead of him. Agent Saclarides identified himself as a Border Patrol Agent and three of the individuals immediately began running away. Agent Saclarides apprehended the other four subjects and determined each of them to be citizens of Mexico present in the United States illegally through field interviews. Agent Valdivia responded to the area and apprehended one of the three individuals that had fled from Agent Saclarides. Agent Valdivia questioned the fifth individual as to his citizenship and he responded that he was a citizen of Honduras in the United States illegally. All five subjects were arrested for illegal entry. The two other suspects absconded and were not apprehended. Agent Valdivia conducted cursory field interviews with the apprehended aliens and confirmed that they had been transported to the area in the van driven by the defendant. At approximately 3:30 PM, the defendant was arrested for alien smuggling and was transported along with her daughter, the five smuggled aliens and the vehicle to the Campo Border Patrol Station for processing.

DEFENDANT STATEMENT:

Elizabeth Amelia ALVAREZ was given her Miranda rights and she stated that she understood said rights and was willing to answer questions without the presence of her attorney. The defendant stated that she is a United States citizen born in San Diego, California. The defendant stated that she works for a pair of brothers named Julio and Pedro who run a smuggling scheme from Tecate, Baja California, Mexico, although both hold status as legal permanent residents of the United States. The defendant stated that she has been involved in alien smuggling with the two brothers since approximately February 2008 and she made two successful smuggling runs before getting caught in a string of apprehensions. The defendant stated that she had stopped working for the brothers for approximately the last month when she suddenly received a telephone call yesterday asking if she wanted to drive for them. The defendant stated that she was short on money and agreed because she was told it would be a total of 14 smuggled aliens, and at $100.00 per alien she stood to make over a thousand dollars for the job.

The defendant stated that she met with Julio this morning, and he gave her the keys to the van and dropped her off. The defendant stated that she later drove to the Campo, California area to a location where she had previously picked up smuggled aliens known as "The Ranch" along Highway 94. The defendant stated that only seven aliens came out of the ravine by the load spot, including the foot guide, and got into the minivan she was driving. The defendant stated that the foot guide told the others to get down in the back and she drove back out to Highway 94 and headed east to Buckman Springs Road. The defendant stated that she drove north on Buckman Springs Road to Interstate 8 and headed east to Kitchen Creek Road. The defendant exited at Kitchen Creek Road and traveled north to a locked Forest Service gate, where she let the foot guide and the smuggled aliens out of the van. The defendant stated that the group was supposed to walk to Sunrise Highway, which would put them on the other side of the Border Patrol Checkpoint on Interstate 8. The defendant stated that she was going to wait until she received a telephone call from the foot guide letting her know that they were ready to be picked up at Sunrise Highway and Kitchen Creek Road. The defendant stated that it was her intention to pick the group up and drive them to the El Toro, California area, where Pedro or one of his associates would meet her in the parking lot of a strip mall. The defendant stated that the people would get out of her vehicle and board another vehicle, and she would be paid at that time.

CONTINUATION OF COMPLAINT:
Elizabeth Amelia ALVAREZ

MATERIAL WITNESS STATEMENTS:

Material Witnesses **Fermin Humberto PEREZ-Reynada, Jesus RUIZ-Merino**, and **Magdalena RUIZ-Merino** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Baja California, Mexico and through family in Los Angeles, California to be smuggled into the United States. All the material witnesses stated that they were to pay between $2,500.00 to $3,000.00 U.S. dollars to be smuggled to various parts of California. All the material witnesses stated that after crossing the border they boarded a vehicle and were inside the vehicle approximately 30-40 minutes. Material Witness **PEREZ** confirmed seeing a female in the driver seat and a child in the passenger seat. Material Witnesses **PEREZ** and **RUIZ-Merino, Magdalena** confirmed hearing the female driver communicating with someone during the trip. When shown a photographic lineup containing 6 individuals, all material witnesses were unable to identify the defendant.

Executed on July 21, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **June 19, 2008**, in violation of Title 8, United States Code, Section **1324**.

Louisa S. Porter
United States Magistrate Judge

6/21/08 11:00 AM
Date/Time